

REMARKS

Claims 67-79 are pending in the Application. Claims 21-31, 41, 43-53, 55-56, and 58-66 have been cancelled. New Claims 67-79 have been added. No new matter has been added. Claims 67 and 73 are independent.

On page 2 of the Office Action, Claims 21-31, 41, 43-51, 53, 55, 56 and 58-66 were rejected under 35 U.S.C. §112, second paragraph. These claims have been cancelled without prejudice and without disclaimer of subject matter, rendering this rejection moot.

On page 3 of the Office Action, Claims 21-31, 41, 43-51, 53, 55, 56 and 58-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5, 010,485 to Bigari in view of U.S. Patent No. 5,220,501 to Lawlor et al. (Lawlor). These claims have been cancelled without prejudice and without disclaimer of subject matter, rendering this rejection moot.

New Claims 67 and 73 recite features not disclosed or suggest in either of the cited references. For example, Claim 67 requires the steps of “entering an amount corresponding to cash being offered into a point of sale terminal controlled by a merchant, calculating an excess cash payment, entering a card identifier, and apportioning at least a part of the excess cash payment as a cash deposit to one or more voucher accounts identified by the card identifier”.

Bigari fails to disclose these features and, in fact, addresses a completely different problem than the problem addressed and solved by the Applicant. Bigari is directed towards implementing credit purchases at locations that require fast throughput for financial transactions. Bigari does this by providing a voucher apparatus located remotely from a point of sale station. The Bigari system uses a host system to administer accounts for a family of member charge

cards and issues either an approval or disapproval status for a proposed credit charge. If approved, a voucher is printed representing a maximum charge amount. The user then endorses the voucher, which can then be used for purchasing goods or services for an actual purchase amount less than or equal to the maximum charge amount.

Bigari fails to disclose a method of entering cash into a point-of-sale terminal controlled by a merchant, *calculating an excess cash payment, entering a card identifier, and apportioning at least a part of the excess cash payment as a cash deposit to one or more voucher accounts identified by the card identifier*. The fundamental difference between the system disclosed in Bigari and the claimed method and system is that in Bigari the difference between the updated charge amount and the maximum charge amount *is released back into the member charge account to be available for the customer's future use*. [Bigari, col, 5, lines 20-26]. By contrast, the claimed invention provides a method and system that apportions at least a part of an excess cash payment *as a cash deposit to one or more voucher accounts identified by a card identifier*.

The Examiner has already stated that Bigari *fails to teach* a voucher account or the step of receiving by a merchant, an amount of money during a financial transaction (akin to the claimed step of “entering an amount corresponding to cash being offered into a point of sale terminal controlled by a merchant”) [Office Action, page 4, first paragraph]. Lawlor appears to have been cited solely for its teaching of a merchant that receives money during a financial transaction. Yet Lawlor does not teach any of the Applicant's other claimed features. Therefore, even if the disclosures of Bigari and Lawlor were somehow combined, this hypothetical system still fails to disclose or even suggest each of the claimed features of independent Claims 67 and 73.

As such, in light of the new claims, the current rejection is unsupported by the art, and a withdrawal of the rejection is respectfully requested.

Claims 68-72 and 74-79 are each dependent either directly or indirectly from independent Claims 67 and 73. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

For all of the above reasons, the claim rejections are believed to have been overcome placing Claims 67-79 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

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Respectfully submitted,
By: /Jeffrey H. Kamenetsky/
Jeffrey H. Kamenetsky
Reg. No.: 44,179
Attorney for Applicant(s)
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 31292
Tel: (954) 828-1488
Fax: (954) 828-9122
email: ptomail@cwiplaw.com